

CIVIL SERVICE BOARD MEETING

OCTOBER 3, 2012

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, October 3, 2012, in the Commissioners' Board Room.

Members present: Larry A. Bartlett, Chairman
 Troyce B. Lancaster, Vice-Chair
 Lori Favre, Member
 Gbenga Osagie, Member
 J. Mark Trimble, Member

Also present: Human Resources Director Renee Bright and various staff members; Civil Service Board Attorney Joe Harris; Police Department Legal Advisor Kenneth Green; Attorney Keith Martin; County Attorney Pamela Everett; Lonon Norwood; T&D Director Jeff Metarko; Chief Deputy Garland Watkins; Sheriff's Office Legal Advisor Stacey McClurkin; Johnette Colquitt; Attorney Lance Kimmey; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:04 a.m., and noted for the record that all members were present. Chairman Bartlett called for a motion to adopt the October 3rd Agenda. Mr. Trimble made a motion to approve the agenda with the following changes: Add Item 3 to approve the Executive Session Minutes from September 5, 2012 and add an Item 5a, a request to extend probationary period of an employee, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.

1. Considered for approval the Civil Service Board Meeting minutes that was held on September 5, 2012.
2. Civil Service Board Attorney Joe Harris addressed the Chairman and asked if there would be an amendment to add the settled case.
 - a. Chairman Bartlett advised that it is under Discussion items and that it would be moved up before any hearings are convened.
 - b. Mr. Harris thanked Chairman Bartlett.
3. Considered for approval the Civil Service Board Meeting minutes that was held on September 5, 2012.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

- b. (Item 3a) – Considered for approval the Executive Session Minutes that was held on September 5, 2012.
 - i. Chairman Bartlett called for a motion. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- 4. Considered for approval request from Stephen Parker, T&D, for annual leave donations.
 - a. Chairman Bartlett asked Director Bright if the request met the Civil Service requirements. Director Bright responded in the affirmative and explained in detail.
 - b. Mr. Trimble made a motion to approve, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- 5. Considered for approval request from Lashunda Laye, Sheriff's Office, for annual leave donations.
 - a. Chairman Bartlett asked Director Bright if the request met the Civil Service requirements. Director Bright responded in the affirmative.
 - b. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the request, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
 - c. (Item 5a) – Considered the request from Solicitor General Tasha Mosley to extend the probationary period of Adrienne Nash, Deputy Assistant Solicitor General for an additional ninety (90) days.
 - i. Chairman Bartlett asked if Ms. Nash was present.
 - ii. Human Resources Director Renee Bright advised she had just received this request on October 2, 2012 and Ms. Nash was not able to be notified and explained in detail.
 - iii. A discussion occurred among the Board.
 - iv. Chairman Bartlett made a recommendation that the request be tabled until the Special Called Meeting at 9 a.m., on October 4, 2012, when Solicitor General Mosley and Ms. Nash could be present.
 - v. Chairman Bartlett also asked that Ms. Nash be notified personally sometime today and not by e-mail.

- vi. Mr. Trimble made a motion to continue this matter until October 4, 2012 to allow Ms. Nash to be present, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
- 6. Discussion items.
 - a. ***Lonon Norwood (Police)*** – Update.
 - i. Attorney Keith Martin advised the Board that Friday of last week, he received the revised Settlement Agreement, executed it and was mailing it back to County Attorney Darren Horvath. Mr. Martin further advised that unless the County revokes on settlement, the issue had been resolved.
 - ii. Chairman Bartlett advised that if that happened he was sure Mr. Martin would be back before the Board. Mr. Martin replied in the affirmative.
 - iii. Mr. Martin asked if he could be excused. Chairman Bartlett replied in the affirmative.
 - iv. Chairman Bartlett asked Police Department Legal Advisor Kenneth Green if he had any additional information. Mr. Green replied the department was glad the case was over.
- 7. ***Appeal*** – Considered the appeal that was filed by Jimmy D. Williams, T&D, on July 19, 2010, regarding termination.
 - b. Chairman Bartlett asked if Mr. Williams was present and if he had been properly notified. Mr. Williams was not in attendance.
 - c. Mr. Osagie made a motion that the Board take a five-minute break to try and locate Mr. Williams.
 - d. Chairman Bartlett advised that prior to the start of Mr. Williams appeal hearing, the Board would get a set time for the start of the ***Johnette Colquitt*** appeal, which would begin immediately after Mr. Williams' appeal.
 - e. The motion was seconded by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
 - f. Chairman Bartlett called the meeting back to order at 9:25 a.m.
 - g. Chairman Bartlett asked if Mr. Williams was present. Mr. Williams did not respond.
 - h. Chairman Bartlett asked Director Bright if Mr. Williams was properly served with notice of the hearing. Director Bright replied in the affirmative.

- i. Chairman Bartlett asked County Attorney Pamela Everett if she had a motion on behalf of the County.
- j. Ms. Everett made a motion that Jimmy D. Williams' appeal be dismissed and that the termination be upheld.
- k. Mr. Trimble made a motion that the termination be upheld, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
- l. Chairman Bartlett advised the cases involve the same Appellant, Johnette Colquitt. Chairman Bartlett asked for the parties to come forward, prior to the arrival of Solicitor General Tasha Mosley.
- m. Ms. Everett stated she had discussed with Mr. Kimmey regarding Ms. Colquitt's grievance. Mr. Kimmey stated he would like to table the grievance until the employment situation is decided.
- n. Chairman Bartlett asked for Mr. Kimmey's name for the record. He responded Lance K-i-m-m-e-y.
- o. Mr. Kimmey advised the Chairman he had a hearing in Gwinnett County today at 5:30 p.m. and a hearing in State Court at 9 a.m., on tomorrow.
- p. Chairman Bartlett advised the Board would schedule the hearing around his calendar.
- q. Chairman Bartlett advised the Appellant would have no standing on the grievance pending the other appeals and asked for any objections to continuing the grievance.
- r. Ms. Everett stated she had no objections to continuing the grievance.
- s. Chairman Bartlett asked for a motion on behalf of Mr. Kimmey's request to continue the grievance. Mr. Trimble made a motion to continue the grievance, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- t. Chairman Bartlett asked if the appeals would be heard together or separate.
- u. Ms. Everett stated they were two separate cases. Mr. Kimmey stated they were separate cases.
- v. A discussion occurred among the Board and Mr. Harris regarding which appeal would be heard first. Mr. Harris advised that the appeal for the demotion would be heard prior to the termination appeal and explained in detail.

8. Considered request from Solicitor General Tasha Mosley to extend the probationary period of Chief Assistant Solicitor General Adrienne Nash for an additional ninety (90) days.
 - a. Chairman Bartlett explained the Board's requirements in allowing the employee to be present on a request, as Solicitor General Mosley and Ms. Nash was in attendance and explained in detail.
 - b. Ms. Nash concurred with Solicitor General Mosley's request.
 - c. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the request to extend the probationary period ninety (90) days, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
9. *Appeal* – Considered appeal that was filed by Johnette Colquitt, Sheriff's Office on July 19, 2010, regarding, "My demotion. I would like to refute any and all violations".
 - a. Chairman Bartlett asked if the Sheriff's Office was ready to proceed. Ms. Everett responded in the affirmative. Mr. Kimmey advised the Appellant was ready to also proceed.
 - b. Ms. Everett asked the Chairman for a rule of sequestration and Mr. Kimmey joined in that request.
 - c. All witnesses were sworn in and sequestered.
 - d. Mr. Kimmey advised the Board again that he would need to leave today by 4 p.m., in order to arrive in Gwinnett County.
 - e. Ms. Everett presented the Sheriff's Office opening statements. Mr. Kimmey presented the Appellant's opening statements.
 - f. Ms. Everett called Lt. Robert Pauls to the witness stand. He stated his name, current duties and duties in 2010. Ms. Everett began questioning Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibit 15 (page 28)**.
 - g. Ms. Everett continued questioning Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibit 14 (page 45)**.
 - h. Ms. Everett continued questioning Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibit 12**.
 - i. Ms. Everett continued questioning Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Ms. Everett.

- j. Mr. Kimmey cross-examined Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Mr. Kimmey.
- k. Ms. Everett asked re-direct questions to Lt. Pauls. Ms. Everett mentioned **County Exhibit 20 (third page)**.
- l. Ms. Everett continued asking re-direct questions to Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Ms. Everett.
- m. Mr. Kimmey asked additional questions to Lt. Pauls. Mr. Kimmey mentioned **County Exhibit 20**.
- n. Mr. Kimmey continued asking additional questions to Lt. Pauls. He responded in detail to all questions posed by Mr. Kimmey. Ms. Everett objected to a question posed by Mr. Kimmey as it called for "speculation on part of the witness". The objection was sustained.
- o. The Board questioned Lt. Pauls. He responded in detail to all questions posed by the Board.
- p. There being no further questions, the witness was not released (subject to recall).
- q. Chairman Bartlett called for a five-minute recess. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- r. Chairman Bartlett called the meeting back to order at 10:40 a.m.
- s. Ms. Everett called Sgt. Joseph Spain to the witness stand. He stated his name, where employed, current duties, duties in 2010 and tenure. Ms. Everett began questioning Sgt. Spain. Sgt. Spain responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibit 14**.
- t. Ms. Everett continued questioning Sgt. Spain. Sgt. Spain responded in detail to all questions posed by Ms. Everett. Sgt. Spain mentioned **County Exhibit 15 (page 14)**.
- u. Ms. Everett continued questioning Sgt. Spain. Sgt. Spain responded in detail to all questions posed by Ms. Everett. Sgt. Spain mentioned **County Exhibit 15 (page 57)**.
- v. Mr. Kimmey cross-examined Sgt. Spain. Sgt. Spain responded in detail to all questions posed by Mr. Kimmey. Ms. Everett objected to a question posed by Mr. Kimmey as it called for "speculation on the part of the witness". The objection was sustained.

- w. Mr. Kimmey continued the cross-examination of Sgt. Spain. Sgt. Spain responded in detail to all questions posed by Mr. Kimmey.
- x. Ms. Everett asked re-direct questions to Sgt. Spain. Sgt. Spain responded in detail to all questions posed by Ms. Everett.
- y. The Board questioned Sgt. Spain. He responded in detail to all questions posed by the Board.
- z. There being no further questions, the witness was not released (subject to recall).
- aa. Mr. Trimble advised Ms. Everett she had 1 hour 15 minutes remaining and that Mr. Kimmey had 1 hour 33 minutes remaining.
- bb. Ms. Everett advised her next witness would take approximately 30 minutes to be questioned.
- cc. Ms. Everett called Major Shawn Southerland to the witness stand. He stated his name, where employed, current duties and duties in 2010. Ms. Everett began questioning Major Southerland. Major Southerland responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibit 15**.
- dd. Ms. Everett continued questioning Major Southerland. Major Southerland responded in detail to all questions posed by Ms. Everett.
- ee. Mr. Kimmey cross-examined Major Southerland. Major Southerland responded in detail to all questions posed by Mr. Kimmey.
- ff. Ms. Everett asked re-direct questions to Major Southerland. Major Southerland responded in detail to all questions posed by Ms. Everett.
- gg. The Board questioned Major Southerland. He responded in detail to all questions posed by the Board.
- hh. There being no further questions, the witness was released.
- ii. Chairman Bartlett asked Major Southerland to advise the other sequestered witnesses, to return at 1 p.m. (lunch break).
- jj. Chairman Bartlett called for a motion for lunch. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- kk. Chairman Bartlett called the meeting back to order at 1:12 p.m.
- ll. Ms. Everett asked how much time she had remaining. Mr. Trimble responded, 1 hour and 10 minutes.

- mm. Ms. Everett called Major Sowell to the witness stand. He stated his name, where employed, and duties as Jail Administrator. Ms. Everett began questioning Major Sowell. Major Sowell responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibit 15 (page 57)**.
- nn. Ms. Everett continued questioning Major Sowell. Major Sowell responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibit 14 (page 48)**.
- oo. Ms. Everett continued questioning Major Sowell. Major Sowell responded in detail to all questions posed by Ms. Everett.
- pp. Mr. Kimmey cross-examined Major Sowell. Major Sowell responded in detail to all questions posed by Mr. Kimmey. Mr. Kimmey mentioned **County Exhibit 15 (page 57)**.
- qq. Mr. Kimmey continued the cross-examination of Major Sowell. Major Sowell responded in detail to all questions posed by Mr. Kimmey. Mr. Kimmey mentioned **County Exhibit 14 (page 48)**.
- rr. Mr. Kimmey continued the cross-examination of Major Sowell. Major Sowell responded in detail to all questions posed by Mr. Kimmey.
- ss. Ms. Everett asked re-direct questions to Major Sowell. Major Sowell responded in detail to all questions posed by Ms. Everett.
- tt. The Board questioned Major Sowell. He responded in detail to all questions posed by the Board.
- uu. There being no further questions, the witness was released.
- vv. Ms. Everett called Deputy David Vazquez to the witness stand. He stated his name, where employed in 2010 and duties in 2010. Ms. Everett began questioning Deputy Vazquez. Deputy Vazquez responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibit 14 (page 47)**.
- ww. Ms. Everett continued questioning Deputy Vazquez. Deputy Vazquez responded in detail to all questions posed by Ms. Everett.
- xx. Mr. Kimmey cross-examined Deputy Vazquez. Deputy Vazquez responded in detail to all questions posed by Mr. Kimmey. Mr. Kimmey mentioned **County Exhibit 14 (page 47)**.
- yy. Ms. Everett asked re-direct questions to Deputy Vazquez. Deputy Vazquez responded in detail to all questions posed by Ms. Everett.

- zz. The Board questioned Deputy Vazquez. He responded in detail to all questions posed by the Board.
- aaa. There being no further questions, the witness was released.
- bbb. Chairman Bartlett called for a motion to break. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- ccc. Chairman Bartlett called the meeting back to order at 2:02 p.m.
- ddd. Ms. Everett called Chief Deputy Garland Watkins to the witness stand. He stated his name and duties. Ms. Everett began questioning Chief Deputy Watkins. Chief Deputy Watkins responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibit 20**. Chief Deputy Watkins mentioned **County Exhibits 21 and 22**.
- eee. Mr. Kimmey cross-examined Chief Deputy Watkins. Chief Deputy Watkins responded in detail to all questions posed by Mr. Kimmey. Mr. Kimmey mentioned **County Exhibits 20 and 15 (page 8)**.
- fff. Ms. Everett asked re-direct questions to Chief Deputy Watkins. Chief Deputy Watkins responded in detail to all questions posed by Ms. Everett.
- ggg. Mr. Kimmey asked additional questions to Chief Deputy Watkins. Chief Deputy Watkins responded in detail to all questions posed by Mr. Kimmey.
- hhh. The Board did not question Chief Deputy Watkins.
- iii. There being no further questions, the witness was dismissed.
- jjj. Ms. Everett stated the Sheriff's Office had rested its case subject to recall of witnesses.
- kkk. Mr. Trimble advised Mr. Kimmey he had 1 hour and 9 minutes remaining.
- lll. Mr. Kimmey called Johnette Colquitt to the witness stand and confirmed she had previously been sworn in. She stated her name. Mr. Kimmey began questioning Ms. Colquitt. Ms. Colquitt responded in detail to all questions posed by Mr. Kimmey. Mr. Kimmey mentioned **County Exhibit 15 (page 57)**.
- mmm. Mr. Kimmey continued questioning Ms. Colquitt. Ms. Colquitt responded in detail to all questions posed by Mr. Kimmey.
- nnn. Chairman Bartlett called for a short break. Vice-Chair Lancaster made a motion, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.

- ooo. Chairman Bartlett called the meeting back to order at 3:12 p.m.
- ppp. Mr. Kimmey continued questioning Ms. Colquitt. Ms. Colquitt responded in detail to all questions posed by Mr. Kimmey. Ms. Everett objected to a question posed by Mr. Kimmey as it called for "speculation on the part of the witness". The objection was sustained and Mr. Kimmey was told to re-word the question.
- qqq. Mr. Kimmey continued questioning Ms. Colquitt. Ms. Colquitt responded in detail to all questions posed by Mr. Kimmey. Ms. Everett objected to a statement made by Mr. Kimmey as it had to be a question posed and not a "blank statement" given. Mr. Kimmey asked a question.
- rrr. Mr. Kimmey continued questioning Ms. Colquitt. Ms. Colquitt responded in detail to all questions posed by Mr. Kimmey.
- sss. Ms. Everett cross-examined Ms. Colquitt. Ms. Colquitt responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibits 14 (page 45) and 15 (pages 43 and 57)**.
- ttt. The Board questioned Ms. Colquitt. She responded in detail to all questions posed by the Board.
- uuu. There being no further questions, the witness was dismissed.
- vvv. Mr. Kimmey stated he rested the Appellant's case.
- www. Chairman Bartlett called for a two-minute break to allow the attorneys time for closing statements. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- xxx. Chairman Bartlett called the meeting back to order at 4 p.m.
- yyy. Chairman Bartlett advised, that Board member, Lori Favre, had to leave and would not be involved in the deliberation during the Executive Session.
- zzz. Ms. Everett asked to present the Sheriff's Office closing arguments last.
- aaaa. Mr. Harris advised the Chairman that the appeal of Johnette Colquitt needed to be placed on the record as to when it would reconvene.
- bbbb. Chairman Bartlett stated for the record that Mr. Kimmey had to be in State Court at 9:30 a.m., on October 4, 2012 and that the appeal would convene at 9:30 a.m., with the opening session and then adjourning into Executive Session. Furthermore, the Board would take a break until both Ms. Colquitt and Mr. Kimmey were present to render a decision.
- cccc. Mr. Kimmey presented closing arguments for the Appellant. Ms. Everett presented closing arguments for the Sheriff's Office.

dddd. Chairman Bartlett stated that this would conclude any testimony regarding this matter and that adjournment into Executive Session would be deferred until 9:30 a.m., on October 4, 2012. There should be no discussion among the board members with anyone and that only four (4) members would go into Executive Session.

10. Discussion item.

- a. Selected a second meeting date for January 2013.
 - i. Chairman Bartlett made a motion for January 3, 2013 as Special Called Meeting date, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote (4-0) – Ms. Favre, absent.
 - ii. Chairman Bartlett asked Vice-Chair Lancaster to e-mail Ms. Favre with the second meeting date in January 2013.
- b. *Appeal - Joe Eckler (Police Department)* – 30-day suspension.
 - i. Mr. Harris presented the Board with the re-drafted version of the Board's Decision.
 - ii. Chairman Bartlett called for a motion regarding the revised Decision. Mr. Trimble made a motion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0) – Ms. Favre, absent.
 - iii. Chairman Bartlett noticed an error and asked Mr. Harris to revise and bring the Decision back to the Special Called Meeting on October 4, 2012.

Chairman Bartlett stated that all matters have been concluded and called for a motion to adjourn this meeting. Mr. Trimble made a motion to adjourn, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

Meeting adjourned.


LARRY A. BARTLETT
CHAIRMAN


RENEE BRIGHT
HUMAN RESOURCES DIRECTOR